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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,310	12/02/2003	Jonathan T. Foote	FXPL-01059US0	5171
23910	7590	03/17/2009	EXAMINER	
FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			GOODCHILD, WILLIAM J	
ART UNIT	PAPER NUMBER			
		2445		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/727,310	<b>Applicant(s)</b> FOOTE ET AL.
	<b>Examiner</b> WILLIAM J. GOODCHILD	<b>Art Unit</b> 2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 02 January 2009.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 22-41 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 22-41 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/02/2008 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohtake et al., ("InfoStick: An interaction device for Inter-Appliance Computing"), (hereinafter Kohtake), and further in view of Armstrong, (US Publication No. 2002/0000971).

Regarding claims 22 and 31, Kohtake discloses pointing a handheld controller at a source device to select media data [Kohtake, Section 2 InfoStick Device, paragraph 2 "get button"]; pointing the handheld controller at a sink device to send a paste signal [Kohtake, Section 2 InfoStick Device, paragraph 2 "put button" and paragraph 5].

Kohtake does not specifically disclose the handheld controller producing controller position and orientation information sufficient to determine the source device; wherein the orientation information includes information from a six-degrees-of-freedom sensor on the handheld controller about the orientation of the controller so that the direction that the handheld controller is pointing can be determined; the handheld controller producing controller position and orientation information sufficient to determine the sink device.

However, Armstrong discloses a 6DOF wireless control [Armstrong, paragraph 136 and figures 9 and 30] with a sensor [Armstrong, paragraph 137 and figure 31]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a 6DOF control and sensor in order to provide additional position and orientation information to the devices being controlled.

Regarding claims 23 and 32, Kohtake-Armstrong further discloses the selecting of the media data includes pushing a select button and wherein the pasting includes pushing a paste button[Kohtake, Section 2 InfoStick Device, paragraph 2 "get / put button"].

Regarding claim 24, Kohtake-Armstrong further discloses displaying the media data at the sink device [Kohtake, Section 2 InfoStick Device, paragraph 4, lines 5-8].

Regarding claims 25 and 36, Kohtake-Armstrong further discloses the handheld controller is a six-degrees-of-freedom controller [Armstrong, paragraph 137 and figure 31].

Regarding claims 26 and 37, Kohtake-Armstrong further discloses the selected and paste signals are transmitted wirelessly to the first and second control devices [Kohtake, Section 2 InfoStick Device, paragraph 2, lines 6-7].

Regarding claims 27 and 38, Kohtake-Armstrong further discloses the source and sink devices are associated with predetermined control windows that help define whether the handheld controller is pointed at the source or sink device [Kohtake, Section 4.2 Software Architecture, paragraph 1].

Regarding claims 28 and 39, Kohtake-Armstrong further discloses the sink device is a media bus which acts as a media connection to another location [Kohtake, Section 3.5 Getting information from one object and Putting it into many objects, paragraph 1].

Regarding claim 29, Kohtake-Armstrong further discloses the media data is converted to a format desirable for the sink device [Kohtake, Section 3.4 Putting information onto paper, paragraph 1].

Regarding claim 30, Kohtake-Armstrong further discloses feedback is provided to a user when a selector paste signal is transmitted [Kohtake, Section 2 InfoStick Device, paragraph 2].

Regarding claims 33 and 40, Kohtake-Armstrong further discloses the logic includes a switching matrix [Kohtake, Section 4.2 Software Architecture, paragraph 1].

Regarding claim 34, Kohtake-Armstrong further discloses the logic includes a central controller [Kohtake, Figure 10 – controller].

Regarding claim 35, Kohtake-Armstrong further discloses the logic includes a format converter to convert the format of the media data [Kohtake, Section 3.5 Getting information from one object and Putting it into many objects, paragraph 1].

Regarding claim 41, Kohtake-Armstrong further discloses the network is the Internet [Kohtake, Section 2 InfoStick Device, paragraph 1].

4. Claims 22 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al., (US Publication No. 2002/0049978), and further in view of Armstrong.

Regarding claims 22 and 31, Rodriguez discloses pointing a handheld controller [Rodriguez, figure 4] at a source device to select media data [Rodriguez, figure 6 and paragraph 60, lines 10-13]; pointing the handheld controller at a sink device to send a paste signal [Rodriguez, figure 6 and paragraph 60, lines 32-37].

Rodriguez does not specifically disclose the handheld controller producing controller position and orientation information sufficient to determine the source device; wherein the orientation information includes information from a six-degrees-of-freedom sensor on the handheld controller about the orientation of the controller so that the direction that the handheld controller is pointing can be determined; the handheld controller producing controller position and orientation information sufficient to determine the sink device.

However, Armstrong discloses a 6DOF wireless control [Armstrong, paragraph 136 and figures 9 and 30] with a sensor [Armstrong, paragraph 137 and figure 31]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a 6DOF control and sensor in order to provide additional position and orientation information to the devices being controlled.

***Response to Arguments***

5. Applicant's arguments with respect to claims 22-41 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Examiner's Note: Examiner has cited particular paragraphs / columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner.

Should applicant amend the claims of the claimed invention, it is respectfully requested that applicant clearly indicate the portion(s) of applicant's specification that support the amended claim language for ascertaining the metes and bounds of applicant's claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrice Winder/  
Primary Examiner, Art Unit 2445

WJG  
03/05/2009